

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**KARA HAWKINS, Personal  
Representative of the Estate of Phillip  
Hatcher, Deceased,**

**Plaintiff,**

**V.**

**COUNTY OF LINCOLN, a Nebraska  
Political Subdivision, CITY OF NORTH  
PLATTE, NEBRASKA, a Nebraska  
Political Subdivision, GREAT PLAINS  
REGIONAL MEDICAL CENTER, a  
Nebraska corporation, and DOES 1-10,  
in their official and individual capacities,**

## Defendants.

**CASE NO. 7:10CV5001**

# MEMORANDUM AND ORDER

This matter is before the Court on the Statement of Objections to Magistrate Judge's Order (Filing No. 151) filed by Defendant County of Lincoln ("Lincoln County"). Lincoln County objects to certain findings and rulings in Judge Gossett's Memorandum and Order of April 5, 2011 (Filing No. 149). Plaintiff has responded to the list of objections by incorporating briefs and her index of evidence already filed with the Court. For the reasons stated below, the Objections will be overruled.

## DISCUSSION

Defendant objects to the following specific findings and rulings: First, Lincoln County objects to Judge Gossett's determination that Lincoln County's responses to discovery requests were overdue when Lincoln County moved to stay discovery on August 12, 2010 (See Filing No. 149 at 11-12). Second, Lincoln County objects to the finding that the Plaintiff only served two sets of Requests for Admissions on Lincoln County. Finally,

Lincoln County objects to Judge Gossett's conclusion that Lincoln County was not entitled to attorneys' fees and discovery sanctions (See Filing No. 149 at 12-13).

Because Judge Gossett's Memorandum and Order dealt with nondispositive matters, Lincoln County's objections are governed by Federal Rule of Civil Procedure 72(a). Rule 72(a) permits parties to object to a magistrate judge's order within 14 days of its entry. In ruling on the objections, Rule 72(a) states: "The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." Thus, the objecting party bears a heavy burden to prove error in a magistrate judge's ruling on a nondispositive issue. After reviewing the record and Judge Gossett's Memorandum and Order, the Court concludes that Judge Gossett's findings were neither clearly erroneous nor were they contrary to law. Accordingly,

IT IS ORDERED: the Statement of Objections to Magistrate Judge's Order (Filing No. 151) filed by Defendant County of Lincoln is overruled.

DATED this 25<sup>th</sup> day of May, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge